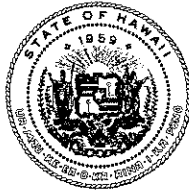


BKK

LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LT. GOVERNOR



MARK E. RECKTENWALD
DIRECTOR

JOHN E. COLE
EXECUTIVE DIRECTOR

STATE OF HAWAII
DIVISION OF CONSUMER ADVOCACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 326

P.O. Box 541

HONOLULU, HAWAII 96809

Phone Number: 586-2800

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October 7, 2005

PUBLIC UTILITIES
COMMISSION

2005 OCT -7 PM 3:26

FILED

The Honorable Chairman and Members of
the Hawaii Public Utilities Commission
Kekuanaoa Building
465 South King Street, 1st Floor
Honolulu, Hawaii 96813

Dear Commissioners:

RE: Docket No. 05-0069 – Application of Hawaiian Electric Company, Inc. for Approval and/or Modification of Demand-Side and Load Management Programs and Recovery of Program Costs and DSM Utility Incentives.

The parties were unable to reach agreement on whether HECO's proposed Residential Customer Awareness DSM Program ("RCEA") should be addressed in the instant docket. As a result, the parties are providing the attached Stipulated Prehearing Order ("SPO") for the Commission's consideration, which eliminates the RCEA program from consideration in the instant docket.

As background, at the time HECO filed its application in Docket No. 04-0113, ("the Rate Case Docket"), as well as the time the Commission filed Order No. 21698 opening the instant docket, a decision and order had not been filed in Docket No. 03-0142 which addressed HECO's proposed pilot RCEA. Subsequently, on April 20, 2005, the Commission filed Decision and Order No. 21756 ("D&O 21756") denying HECO's request to implement the RCEA Program, without prejudice.

It should be noted that in Rebuttal Testimony filed on August 5, 2005, in Docket No. 04-0113, HECO proposed to include \$750,000 in the 2005 Test Year Revenue Requirements. HECO represented that the monies were to be spent on an advertising effort to educate consumers about the need to conserve energy. The Consumer Advocate and the Department of Defense ("DOD") took issue with the HECO's proposal to include the \$750,000 in the test year revenue requirements, and suggested that the matter be addressed in the instant proceeding. The parties were unable to reach agreement on the matter. As a result, the reasonableness of HECO's proposal to include \$750,000 in the test year revenue requirement is

The Honorable Chairman and Members of
the Hawaii Public Utilities Commission
Page 2
October 7, 2005

pending before the Commission in Docket No. 04-0113 and the parties to that proceeding will be addressing their respective positions in the Opening and Reply Briefs to be filed in that docket.

In spite of the position taken by the Company in Docket No. 04-0113, HECO now wants to include the RCEA program in the issues for the instant docket, thereby once again seeking Commission approval to expend monies for the RCEA program. The basis for HECO's position as articulated to the parties in the instant docket is that D&O 21756 stated "[a]n educational program, such as the RCEA Pilot Program may be better suited as one component of a portfolio of DSM measures, which may be considered in other proceedings before the commission, if HECO so chooses" (at 10). Thus, HECO has represented that the RCEA program can once again be addressed in the instant docket.

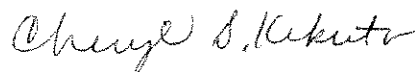
In disagreeing with HECO, the Parties contend that the reasonableness of spending money for an advertising campaign to educate consumers of the need to conserve energy should only be addressed in one docket—either the rate case (Docket No. 04-0113) or the Energy Efficiency Docket (Docket No. 05-0069). The Company cannot continue to propose the merits of this program in multiple dockets.

Based on the above, the Parties are submitting the attached SPO which eliminates the RCEA program from consideration in the instant docket in light of the Company's position in Docket No. 04-0113 as discussed above. The Consumer Advocate was unable to confirm the positions of the DOD and Hawaii Solar Energy Association and will submit their signatures at a later date, if these parties agree to sign the attached document.

Please note that in order to comply with the Commission's requirement to file the SPO today, facsimile signature pages are being submitted. As soon as the original signature pages are received, they will be forwarded to the Commission.

Thank you for your consideration of this matter.

Sincerely yours,



Cheryl S. Kikuta
Utilities Administrator

CK:tt

Attachment

cc: William A. Bonnet
Kent D. Morihara, Esq.
Randall Y.K. Young, Esq.
George T. Aoki, Esq.
Brian T. Moto, Esq.

Warren S. Bollmeier II
Henry Q Curtis
E. Kyle Datta
Richard R. Reed
Lani D. H. Nakazawa, Esq.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
)	
HAWAIIAN ELECTRIC COMPANY, INC.)	Docket No. 05-0069
)	
For Approval and/or Modification of)	
Demand-Side and Load Management)	
Programs and Recovery of Program)	
Costs and DSM Utility Incentives)	
)	
)	
_____)	

STIPULATED PREHEARING ORDER NO. _____

Filed _____, 2005

At _____ o'clock _____ .M.

Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

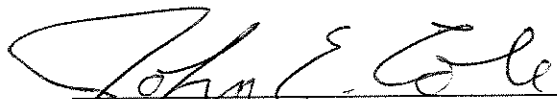
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)	
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_____)	

STIPULATED PREHEARING ORDER

Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO"), Maui Electric Company, Limited ("MECO"), the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate"), Kauai Island Utility Cooperative ("KIUC"), the Department of the Navy, on behalf of the Department of Defense ("DOD"), Rocky Mountain Institute ("RMI"), Hawaii Solar Energy Association ("HSEA"), Hawaii Renewable Energy Alliance ("HREA"), Life of the Land ("LOL"), The Gas Company, LLC ("TGC"), the County of Kauai ("COK") and the County of Maui ("COM") hereby stipulate that the attached Stipulated Prehearing Order is mutually acceptable to each respective party/participant.

DATED: Honolulu, Hawaii, October 7, 2005.

WILLIAM A. BONNET
Vice President
Hawaiian Electric Company, Inc.
Hawaii Electric Light Company, Inc.
Maui Electric Company, Limited



JOHN E. COLE
Executive Director
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs



KENT D. MORIHARA
Attorney for
Kauai Island Utility Cooperative

RANDALL Y. K. YOUNG
Attorney for
Department of Defense

E. KYLE DATTA
Managing Director
Rocky Mountain Institute

RICHARD R. REED
President
Hawaii Solar Energy Association

WARREN S. BOLLMEIER II
President
Hawaii Renewable Energy Alliance

HENRY Q CURTIS
Vice President
Life of the Land



GEORGE T. AOKI
Attorney for
The Gas Company, LLC

BRIAN T. MOTO
Attorney for
County of Maui

LANI D. H. NAKAZAWA
Attorney for
County of Kauai

DATED: Honolulu, Hawaii, October 7, 2005

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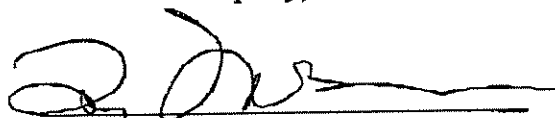
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The Gas Company, LLC

Cindy Y. Young

for BRIAN T. MOTO
Attorney for
County of Maui

LANI D. H. NAKAZAWA
Attorney for
County of Kauai

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
)	
HAWAIIAN ELECTRIC COMPANY, INC.)	Docket No. 05-0069
)	
For Approval and/or Modification of)	
Demand-Side and Load Management)	
Programs and Recovery of Program)	
Costs and DSM Utility Incentives.)	
)	
)	
)	

STIPULATED PREHEARING ORDER

By Order No. 21698, filed March 16, 2005, the Commission opened the subject Energy Efficiency Docket, separating Hawaiian Electric Company, Inc.'s ("HECO") requests for approval and/or modification of its energy efficiency and load management demand-side management ("DSM") programs and recovery of such program costs and DSM utility incentives from HECO's 2005 test year rate case, Docket No. 04-0113. Order No. 21698 also granted, among other things, the Motions to Intervene for the Department of the Navy, on behalf of the Department of Defense ("DOD"), Rocky Mountain Institute ("RMI"), and Life of the Land ("LOL") in the Energy Efficiency Docket, and also granted the County of Maui's ("COM") Motion to Participate.

By Order No. 21749, filed April 14, 2005, the Commission granted the Motions to Intervene for the Hawaii Solar Energy Association ("HSEA") and Hawaii Renewable

Energy Alliance (“HREA”) in the Energy Efficiency Docket.

By Order No. 21861, filed June 7, 2005, the Commission made Hawaii Electric Light Company, Inc. (“HELCO”), Maui Electric Company, Limited (“MECO”), Kauai Island Utility Cooperative (“KIUC”) and The Gas Company, LLC (“TGC”) parties to the Energy Efficiency Docket, but limited their participation solely to the issues dealing with statewide energy policies.

By Order No. 21957, filed August 3, 2005, the Commission dismissed as untimely the Motion to Participate or Intervene for the County of Kauai (“COK”), and the Motion to Intervene for Honolulu Seawater Air Conditioning, LLC. in the Energy Efficiency Docket. On September 14, 2005, the Commission issued Order No. 22029 which denied COK’s motion for reconsideration of Order No. 21957 but made COK a participant in this proceeding, provided that its participation is limited to issues of statewide energy policies, and does not broaden the issues or delay the proceeding.

The parties/participants have reached agreement on procedural matters and submit this Stipulated Prehearing Order to the Commission, which is acceptable to the parties/participants.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings and procedures shall be utilized in this docket.

I.

In its Application, filed November 12, 2004 in Docket No. 04-0113 (the “Rate Case Docket”), HECO requested the approvals necessary (1) to implement seven new

energy efficiency demand-side management (“DSM”) programs; (2) to recover the program costs for the seven energy efficiency DSM programs, a Residential Customer Energy Awareness Pilot (“RCEA”) Program, and two load management DSM programs through base rates; (3) to implement and recover the costs of a proposed DSM utility incentive (given discontinuance of the current lost margin recovery and shareholder incentive mechanisms pursuant to the prior DSM stipulations) through base rates; and (4) to reconcile DSM customer incentives and the DSM utility incentive through a proposed DSM Reconciliation Clause.

The new energy efficiency DSM programs that HECO proposed in the Rate Case Docket included: (1) Commercial and Industrial Energy Efficiency (“CIEE”) Program; (2) Commercial and Industrial New Construction (“CINC”) Program; (3) Commercial and Industrial Customized Rebate (“CICR”) Program; (4) Residential Efficient Water Heating (“REWH”) Program; (5) Residential New Construction (“RNC”) Program; (6) Residential Low Income (“RLI”) Program; and (7) Energy\$olutions for the Home (“ESH”) Program.

HECO also proposed to modify the cost recovery mechanism for its two approved load management DSM programs including (1) the Residential Direct Load Control (“RDLC”) Program approved in Docket No. 03-0166 and (2) the Commercial and Industrial Direct Load Control (“CIDLC”) Program approved in Docket No. 03-0415 (so that program costs would be recovered entirely through base rates).

By Order No. 21698 ("Order No. 21698"), filed on March 16, 2005, in Docket Nos. 04-0113 and 05-0069, the Commission: (1) separated HECO's requests for approval and/or modification of demand-side and load management programs and recovery of program costs and DSM utility incentives (collectively referred to as the "Proposed DSM Programs") from the Rate Case Docket, and opened the instant docket (the "Energy Efficiency Docket") in which to consider these matters, among other things, and (2) determined the parties and participants for the Rate Case Docket and the newly formed Energy Efficiency Docket to address and examine the Proposed DSM Programs.

The issues in this docket are comprised of two categories, namely 1) issues dealing with statewide energy policy, and 2) issues dealing with HECO's Proposed DSM Programs.

Statewide Energy Policy Issues:

- (1) Whether energy efficiency goals should be established and if so, what the goals should be for the State;
- (2) What market entities and/or market structure(s) are the most appropriate for providing these or other DSM programs (e.g., utility-only, utility in competition with non-utility providers, non-utility providers);
- (3) For utility-incurred costs, what cost recovery mechanism(s) is appropriate (e.g., base rates, fuel clause, IRP Clause);
- (4) For utility-incurred costs, what types of costs are appropriate for recovery;
- (5) Whether DSM incentive mechanisms are appropriate to encourage the implementation of DSM programs, and, if so, what is the appropriate mechanism(s) for such DSM incentives;

HECO's Proposed DSM Programs Issues:

(6) Whether the seven (7) Proposed DSM Programs (i.e., the CIEE, CINC, CICR, REWH, RNC, RLI, and ESH programs), and/or other energy efficiency programs will achieve the established energy efficiency goals and whether the programs will be implemented in a cost-effective manner;

(7) If utility-incurred costs for the programs in issue 6 are to be included in base rates, what cost level is appropriate, and what the transition mechanism for cost recovery will be until the respective utility's next general rate case;

(8) Whether HECO's proposed DSM utility incentive is reasonable, and should be approved, approved with modifications, or rejected;

(9) Which of the Proposed DSM Programs, and/or other energy efficiency programs should be approved, approved with modifications, or rejected.

SCHEDULE OF PROCEEDINGS

HECO Informal Submission of Interim DSM Proposals to Parties/Participants only	October 11, 2005
Technical Consultant Meeting	November 2, 2005
Parties/Participants' Informally Exchange Comments on HECO's Interim DSM Proposals	November 18, 2005
HECO's Interim DSM Proposals filed with the Commission for interim approval	December 5, 2005
Parties/Participants' Responses to HECO's Interim DSM Proposals filed with the Commission	January 10, 2006
HECO's Reply to the Parties/Participants' Responses on HECO's Interim DSM Proposals filed with the Commission	January 31, 2006
Commission decision on HECO's by	To be determined

Interim DSM Proposals	the Commission
Parties/Participants Informally Exchange Preliminary Statements of Position ¹	February 15, 2006
Settlement Discussions Meeting ²	Week of March 27, 2006
Simultaneous Parties/Participants Final SOP ³ to be filed with the Commission	April 13, 2006
Information Requests on Final SOPs filed with the Commission	May 5, 2006
Responses to Information Requests on Final SOPs filed with the Commission	May 26, 2006
Prehearing Conference	June 20, 2006
Panel Hearings	Week of June 26, 2006
Simultaneous Post-Hearing Opening Briefs filed with the Commission	4 weeks after transcripts
Simultaneous Post-Hearing Reply Briefs filed with the Commission	3 weeks after Opening Briefs

¹ From February 16, 2006 through March 31, 2006, the parties/participants plan to engage in informal discussions in which information can be exchanged informally between the parties/participants so that their preliminary positions on the issues can be understood. During this timeframe the parties/participants will also attempt to reach agreement/partial agreement on the issues for Commission review and approval.

² The date for the meeting will be determined by the parties/participants.

³ The SOP is designated "Final" because the preliminary SOP is being provided informally to the parties/participants and is not being filed with the Commission.

II.

MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

A party/participant to this proceeding may submit information requests to another party/participant within the time schedule specified in this Stipulated Prehearing Order. To the extent practical, the parties/participants will cooperate by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party/participant is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party/participant as soon as possible. The parties/participants shall then endeavor to agree upon a later date for submission of the requested information. If the parties/participants are unable to agree, the responding party/participant may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the inquiring party/participant to act.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials, the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and

time. In the event such information is available on computer diskette or other readily usable electronic medium, the party/participant responding to the information request may make the diskette or such electronic medium available to the other party/participant and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

A party/participant shall not be required, in a response to an information request, to provide data that are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party/participant shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party/participant to locate and copy the document. In addition, a party/participant shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party/participant may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party/participant claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party/participant shall: (1) provide information reasonably sufficient to

identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party/participant if the information were disclosed); and (3) state whether the party/participant is willing to provide the confidential information pursuant to a protective order governing this docket.

A party/participant seeking production of documents notwithstanding a party/participant's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party/participant to information requests shall adhere to a uniform system of numbering agreed upon by the parties/participants. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-SOP-IR-1", and a response to this information request shall be referred to and designated as "Response to CA-SOP-IR-1".

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference to the attached responsive document, indicating the name of the respondent for each response.

The parties/participants anticipate that it will be necessary to refer to certain information obtained through the informal IR process in their Final SOPs and/or their Responses to HECO's Interim Proposals. Therefore, the parties/participants agree that

the informal IR responses upon which any party/participant has relied in its Response to HECO's Interim Proposals or Final SOP will be documented and filed with the Commission (either as an attachment to such Response or Final SOP, or in a separate filing), and the parties/participants will cooperate in designating and documenting the informal IR responses to be filed with the Commission, and in filing the designated responses on a timely basis with the Commission. These informal IR responses filed with the Commission shall be deemed to be part of the record in this docket.

B. Matters of Public Record

In order to provide a means to reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that a party/participant has filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the parties/participants; and further provided that any party/participant has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party/participant proffers such document for admission as evidence in this case.

From time to time, the parties/participants may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

C. Copies of Filings and Information Requests.

1. Filings:

Commission	Original + 8 copies
Consumer Advocate	3 copies
Other parties/participants	2 copies

2. Information Requests and Responses:

Commission	Original + 8 copies
Consumer Advocate	3 copies
Other parties/participants	2 copies

3. All pleadings, and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the Commission's Rules of Practice and Procedure.

4. Copies of all filings, information requests and information request responses should be sent to the other parties/participants by hand delivery, U. S. mail or via facsimile. In addition, if available, all parties/participants shall provide copies of their filings, information requests and information request responses to the other parties via diskette or e-mail in a standard electronic format that is readily available by the parties/participants. The parties/participants agree to use Word 97, Word 2000, or Word 2003 as the standard programming format for filings in this case. However, if

workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party/participant shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000/Word 2003 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party/participant via diskette or e-mail, unless otherwise agreed to by such party/participant, the same number of copies of such filing, information request or information request response must still be delivered to such party/participant by hand delivery or via facsimile as provided in Parts C.1 and C.2 above.

D. Panel Hearing

This Stipulated Prehearing Order contemplates that this proceeding will implement a hearing format that is substantially similar to the hearing format implemented at the hearings held on December 8-10, 2004 in Docket No. 03-0371 relating to Distributed Generation. (The specifics of the panel hearing format were discussed in Order No. 21489 issued December 1, 2004 in Docket No. 03-0371.) The parties/participants request that the Commission issue an order prior to the Prehearing Conference with respect to its proposed format for the panel hearing. This order may address aspects of the panel hearing such as the issues to be addressed by the parties/participants, witnesses for each party/participant, counsel for each party/participant, cross examination procedures, and the role of the panel hearing

moderator, if applicable. The matters addressed in the Commission's order may be discussed at the Prehearing Conference.

E. Communications

Chapter 61, subchapter 3, section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a party/participant and the Commission. However, the parties/participants may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the parties/participants should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party/participant. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

F. General

These procedures are consistent with the orderly conduct of this docket.

Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Prehearing Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

This Stipulated Prehearing Order may be executed by the parties/participants in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The parties/participants may execute this

Stipulated Prehearing Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DONE at Honolulu, Hawaii, this ____ day of _____, 2005.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By

Carlito P. Caliboso, Chairman

By

Wayne H. Kimura, Commissioner

By

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Stipulated Prehearing Order No. _____ upon the following parties and participants, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party or participant.

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